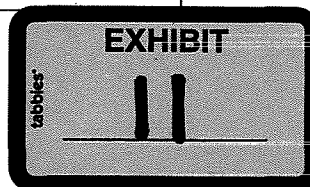


March 23, 2009

Comparison of Cargill's 30(b)(6) Notice Areas of Inquiry to 7/1/08 30(b)(6) Notice

and the State's Responses to Interrogatories on Comparable Topics

Cargill Topic in 3/13/09 Notice	Comparable Topic in 7/1/08 Notice	State's Response to Cargill's Interrogatories on Comparable Topic
1. The human health hazards specifically caused by poultry litter / poultry waste generated by the Cargill Defendants or their contract growers;	None	Response to Amended First Set of Interrogatories (12/11/06):  #12- Imminent and substantial endangerment to health or environment (and supplement thereto).  #14 - Integrators leave poultry waste containing phosphorus and bacteria in circumstances where it will inevitably migrate to IRW lands, soil and water (and supplement thereto).  #15 - Improper poultry waste disposal practices allow large amounts of bacteria to enter state waters (and supplement thereto).
2. The specific actions or omissions of the Cargill Defendants or their contract growers alleged to constitute the "unreasonable and substantial danger to the public's health and safety" in TT 99, 101, 111, 112, and 114 of Your Second Amended Complaint;	None	Response to Amended First Set of Interrogatories (12/11/06):  #14 - Integrators leave poultry waste containing phosphorus and bacteria in circumstances where it will inevitably migrate to IRW lands, soil and water (and supplement thereto).  #15 - Improper poultry waste disposal practices allow large amounts of bacteria to enter state waters (and supplement thereto).
3. The specific actions or omissions of the Cargill	None	This is a characterization of the evidence listed in response to items 1 and 2.



Cargill Topic in 3/13/09 Notice	Comparable Topic in 7/1/08 Notice	State's Response to Cargill's Interrogatories on Comparable Topic
<p>Defendants or their contract growers alleged to constitute "reckless and intentional indifference to and disregard of the public's health and safety in the IRW, including the lands, waters and sediments therein" as stated in 11 106 and 117 of Your Second Amended Complaint, and the specific actions or omissions of the Cargill Defendants or their contract growers alleged to constitute "reckless and intentional indifference and harm to this possessory property interest of the State of Oklahoma, as well as their reckless and intentional disregard of the public's health and safety" as stated in IT 125 of Your Second Amended Complaint.</p>		
<p>4. The names and addresses of all individuals who have or may sustain health conditions specifically caused by poultry litter / poultry waste generated by the Cargill Defendants or their contract growers;</p>	None	None, but responded to similar interrogatory from Simmons.
<p>8. The contractual relationship between the Cargill Defendants and their contract growers;</p>	None	<p>Response to Amended First Set of Interrogatories (12/11/06):</p> <p>#1 - Cargill controls each stage of the poultry growing process via its contracts with growers.</p>

Cargill Topic in 3/13/09 Notice	Comparable Topic in 7/1/08 Notice	State's Response to Cargill's Interrogatories on Comparable Topic
9. The alleged "domination and control" of the Cargill Defendants of their contract growers, both generally and as such alleged "domination and control" relates to the disposition of poultry litter;	None	<p>Response to Amended First Set of Interrogatories (12/11/06):</p> <p>#1 - Cargill controls each stage of the poultry growing process via its contracts with growers who are not independent contractors.</p> <p>Response to CTP's Amended First Set of Interrogatories (12/11/06):</p> <p>#14 - Cargill dictates all aspects of growing operations to its growers through contracts and regular farm visits by field representatives (and supplement thereto).</p>
10. The Cargill Defendants' alleged responsibility for poultry litter / poultry waste created as a result of their contract growers' operations;	None	<p>Response to Amended First Set of Interrogatories (12/11/06):</p> <p>#1 - Cargill entities are legally responsible for their poultry waste as owners, operators or arrangers.</p> <p>#2 - Cargill entities responsible for poultry waste generated by growers (and supplement thereto).</p> <p>#13 - Integrators are directly responsible for their own operations and legally responsible for their growers' operations (and supplement thereto).</p> <p>Response to CTP's Amended First Set of Interrogatories (12/11/06):</p> <p>#16- Cargill entities arranged for growers to take possession of waste coming from their birds (and supplement thereto).</p>
11. The Cargill Defendants' responsibility, if any, for poultry litter / poultry waste created as a result of poultry industry operations not owned by the	None	None, but this is a legal issue.

Cargill Topic in 3/13/09 Notice	Comparable Topic in 7/1/08 Notice	State's Response to Cargill's Interrogatories on Comparable Topic
Cargill Defendants or their contract growers;		
15. The specific actions or omissions of the Cargill Defendants or their contract growers alleged to have violated the laws, rules or regulations of the United States or the State of Oklahoma;	<p>Inquiries re poultry growing operations:</p> <p>#3 - complaints or violations of Oklahoma statutes or regulations of any poultry operation;</p> <p>#9 - complaints or violations of Oklahoma statutes or regulations involving any integrator</p>	<p>Response to Amended First Set of Interrogatories (12/11/06):</p> <p>#10- CERCLA violations.</p> <p>#11- Solid Waste Disposal Act violations.</p> <p>#13 - Violation of 27A Okla. Stat. § 2-6-105 constitutes a public nuisance (and supplement thereto).</p> <p>#17 - Improper waste disposal violates 2 Okla. Stat. § 10-9.7. Improper waste storage and disposal violates Okla. Admin. Code § 35:17-5-5.</p> <p>Supplemental Response to Interrogatories (10/19/07):</p> <p>#9 - Cargill violated CERCLA, the SWDA, provisions of the Okla. Registered Poultry Feeding Operations Act, Okla. Admin. Code 2 O.S. § 2-18.1, Okla. Environmental Quality Act 27A O.S. § 2-6-105, and state and Federal common law.</p> <p>Response to CTP's Amended First Set of Interrogatories (12/11/06):</p> <p>#11 - Cargill's wrongful disposal practices resulting in runoff violate Okla.</p>

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		<p>Admin. Code § 35:17-3-14.</p> <p>Interrogatories (2/17/09):</p> <p>#3 - Identify each instance of land application in violation of any state statute or regulation or inconsistent with any animal waste management plan issued by the ODA.</p> <p>#4 - Identify each unlawful act or omission in connection with poultry waste land application.</p>
<p>16. The specific actions or omissions of the Cargill Defendants or their contract growers alleged to have caused pollution of the air, land or waters of the State of Oklahoma;</p>	<p>Inquiries re poultry growing operations:</p> <p>#4 - complaints of any discharges of poultry waste to IRW state waters;</p> <p>#5 - complaints alleging contamination of IRW state waters from handling and disposal of poultry waste;</p> <p>#6 - ecological or environmental impacts resulting from ## 4 &amp; 5;</p> <p>#8 - ecological or environmental impacts resulting from any poultry operation in the IRW failing to properly manage litter</p>	<p>Response to Amended First Set of Interrogatories (12/11/06):</p> <p>#2 - Cargill is responsible for land application of poultry waste at times and places where runoff occurs during and after rainfall, improper storage, and excessive application (and supplement thereto).</p> <p>#3- Basis for claim Cargill entities have polluted, caused degradation, impairment or injury to IRW (and supplement thereto).</p> <p>#13 - Cargill placed waste in IRW locations where it pollutes land and waters (and supplement thereto).</p> <p>#14 - Integrators leave waste in circumstances where it will inevitably migrate to IRW lands, soil and water.</p>

Cargill Topic in 3/13/09 Notice	Comparable Topic in 7/1/08 Notice	State's Response to Cargill's Interrogatories on Comparable Topic
17. The specific actions or omissions of the Cargill Defendants or their contract growers alleged to have resulted in nuisance(s) and the nature of the alleged nuisance(s);	None	<p>Response to Amended First Set of Interrogatories (12/11/06):</p> <p>#2 - Cargill is responsible for nuisance and trespass created by land application of poultry waste at times and places where runoff occurs during and after rainfall, improper storage, and excessive application (and supplement thereto).</p> <p>#13 - Violation of 27A Okla. Stat. § 2-6-105 constitutes a public nuisance (and supplement thereto).</p> <p>#14 - Nuisance results from integrators' improper waste disposal practices (and supplement thereto).</p> <p>Supplemental Response to Interrogatories (10/19/07):</p> <p>#9 - Description of Cargill grower Doyle's practices</p>
18. The specific actions or omissions of the Cargill Defendants or their contract growers alleged to have resulted in trespass(es) and the nature of the alleged trespass(es);	None	<p>Response to Amended First Set of Interrogatories (12/11/06):</p> <p>#2 - Cargill is responsible for nuisance and trespass created by land application of poultry waste at times and places where runoff occurs during and after rainfall, improper storage, and excessive application (and supplement thereto).</p> <p>#16 - Improper poultry waste disposal creates a situation where trespass follows (and supplement thereto).</p>
22. The dates, locations and manner in which the Cargill Defendants or their contract growers have failed to properly manage, store or dispose of their poultry litter / poultry waste;	<p>Inquiries re poultry growing operations:</p> <p>#7 - occurrences where any IRW poultry operation failed to properly manage, store or dispose of litter</p>	<p>Supplemental Response to Interrogatories (10/19/07):</p> <p>#9 - Description of Cargill grower Doyle's practices</p> <p>Interrogatories (2/19/09):</p>

Cargill Topic in 3/13/09 Notice	Comparable Topic in 7/1/08 Notice	State's Response to Cargill's Interrogatories on Comparable Topic
		<p>#2 - Identify each facility from which there was a release or threatened release.</p> <p>#3- Date and location of each instance of land application in violation of law</p> <p>#4- Each instance of unlawful act or omission</p>
23. The specific poultry litter / poultry waste management practices of the Cargill Defendants or their contract growers alleged to have caused runoff or releases of Alleged Pollutants or Contaminants;	None	<p>Response to Amended First Set of Interrogatories (12/11/06):</p> <p>#2 - Cargill is responsible for land application of poultry waste at times and places where runoff occurs during and after rainfall, improper storage, and excessive application (and supplement thereto).</p> <p>#14 - Integrators leave poultry waste in circumstances where it will inevitably migrate to IRW lands, soil and water (and supplement thereto).</p>
24. The location and ownership of the real property that You allege was harmed or impacted by the actions of the Cargill Defendants or their contract growers;	None	<p>Response to CTP's Amended First Set of Interrogatories (12/11/06):</p> <p>#2 - Identify each facility from which there was a release or threatened release (and supplement thereto).</p> <p>#3- Date and location of each instance of land application in violation of law (and supplement thereto)</p> <p>#4- Each instance of unlawful act or omission.</p> <p>#9 - ODA soil test results found excessive STP levels in several watershed counties.</p> <p>Interrogatories (2/19/09):</p>
25. Each instance of runoff or releases of Alleged Pollutants or Contaminants known or alleged by You to have occurred from property owned, managed or	<p>Inquiries re poultry growing operations:</p> <p>#4 - complaints of any discharges of poultry waste to IRW state</p>	<p>Interrogatories (2/19/09):</p> <p>#2 - Identify each facility from which there was a release or threatened release.</p>

Cargill Topic in 3/13/09 Notice	Comparable Topic in 7/1/08 Notice	State's Response to Cargill's Interrogatories on Comparable Topic
controlled by the Cargill Defendants or their contract growers;	waters	#3- Date and location of each instance of land application in violation of law.  #4- Each instance of unlawful act or omission
26. The areas in which Alleged Pollutants or Contaminants have come to be located as a result of runoff or releases from property owned, managed or controlled by the Cargill Defendants or their contract growers;	None	Response to Amended First Set of Interrogatories (12/11/06):  #16 - Phosphorus and bacteria from improperly disposed poultry waste inevitably migrate to IRW lands, soil, water and sediments.  Interrogatories (2/19/09):  #2 - Identify each facility from which there was a release or threatened release.  #3- Date and location of each instance of land application in violation of law.  #4- Each instance of unlawful act or omission.
30. Your first knowledge or awareness that, specifically, the operations of the Cargill Defendants or their contract growers might be a potential source of Alleged Pollutants or Contaminants;	None	Response to CTP's Amended First Set of Interrogatories (12/11/06):  #3 - Reference to 1997 Governor's Task Force on Animal Waste and 1998 Okla. Registered Poultry Feeding Operations Act  Supplemental Response to CTP Interrogatories (6/1/07):  #3 - Representative documents identified, i.e., WRAS for the Illinois River/Barron Fork Watersheds
31. The constituents or components of poultry litter / poultry waste specifically generated by the Cargill Defendants or their contract growers alleged to have harmed the environment of the TRW;	Inquiries re poultry growing operations: #13 - constituents of litter generally	Response to Amended First Set of Interrogatories (12/11/06):  #14 - Integrators leave poultry waste containing phosphorus and bacteria in circumstances where it will inevitably migrate to IRW lands, soil and water (and supplement thereto).  #15 - Improper poultry waste disposal practices allow large amounts of bacteria



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		to enter state waters. Phosphorus from runoff causes algae growth in IRW waters (and supplement thereto).
32. The constituents or components of poultry litter / poultry waste specifically generated by the Cargill Defendants or their contract growers alleged to have harmed human health in the TRW;	None	Response to Amended First Set of Interrogatories (12/11/06):  #14 - Integrators leave poultry waste containing phosphorus and bacteria in circumstances where it will inevitably migrate to IRW lands, soil and water (and supplement thereto).  #15 - Improper poultry waste disposal practices allow large amounts of bacteria to enter state waters (and supplement thereto).
33. The damage, injury or harm to the TRW, if any, that is specifically attributable to the improper poultry litter / poultry waste disposal practices of the Cargill Defendants or their contract growers;	Inquiries re poultry growing operations:  #5 - complaints alleging contamination of IRW waters from poultry waste disposal;  #6 - ecological or environmental impacts resulting from #5	Response to Amended First Set of Interrogatories (12/11/06):  #2 - Cargill is responsible for land application of poultry waste at times and places where runoff occurs during and after rainfall, improper storage, and excessive application (and supplement thereto).  Response to CTP's Amended First Set of Interrogatories (12/11/06):  # 18- Basis for exemplary and punitive damages
34. The costs, if any, incurred by You to remediate damage, injury or harm to the IRW specifically attributable to the alleged improper poultry litter / poultry waste disposal practices of the Cargill Defendants or their contract growers;	None	None Damage reports generally, but not specific to Cargill Defendants